

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM  
& RESOURCES, L.L.C.,  
*Plaintiff,*

v.

CIVIL ACTION NO. 16-C-82  
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY;  
AMEC FOSTER WHEELER  
ENVIRONMENT & INFRASTRUCTURE, INC.; and  
REDSTONE INTERNATIONAL, INC.;  
*Defendants<sup>1</sup>,*

**BENCH TRIAL ORDER**  
**DAY SEVEN: SEPTEMBER 29, 2020**

1. On the 29th day of September, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Jonathan Allen. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell, by its Lead Engineer Chris Ramsey, and by Paul Sabatini of Geosyntec Consultants. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court then entered the Order.

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<sup>1</sup> The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

3. Thereafter, Mr. Colosimo re-called Dr. Hunt to the stand and his direct examination continued. Dr. Hunt primarily presented narrative testimony, pursuant to agreement of counsel, with some questioning by Mr. Colosimo.

4. After the direct examination of Dr. Hunt, the Court recessed for a brief break. Following the break, Dr. Hunt was subject to cross-examination by Mr. McConnell. During cross-examination, Mr. McConnell marked the following Exhibits, as they were not marked prior to trial: **Amec 276** (enlarged color excerpt from Figure 14); and **Amec 277** (ACI Code 16.6.2).

5. Thereafter, Dr. Hunt was subject to cross-examination by Mr. Lasota and by Mr. Stanley.

6. Thereafter, Dr. Hunt was subject to re-direct examination by Mr. Colosimo. During re-direct, Mr. Colosimo marked the following Exhibit, as it was not marked prior to trial: **MarkWest 284B** (Dr. Hunt's Slide Show). The Court finds it inadvertently failed to note in a prior *Order* that Dr. Wren's Slide Show was marked as **MarkWest Exhibit 284A** on September 28, 2020.

7. Thereafter, Dr. Hunt was subject to re-cross examination by Mr. McConnell.

8. Thereafter, Dr. Hunt was dismissed as a witness and is not subject to re-call.

9. Thereafter, the Court recessed for a lunch break.

10. Following the lunch break, Mr. Ward called Brad Wolf to the stand and he was duly sworn and subject to direct examination. Following qualification questioning, the Court recognized Mr. Wolf as an Expert in Heavy Industrial Scheduling and Damage Analysis, without objection. Thereafter, Mr. Wolf primarily presented narrative testimony, pursuant to agreement of counsel, with some questioning by Mr. Ward. During the testimony of Mr. Wolf, the Court recessed for a brief break.

11. After the break, the testimony of Mr. Wolf resumed. During direct examination, Mr. Ward marked the following Exhibits, as they were not marked prior to trial: **MarkWest 285A** (CV of Mr. Wolf); and **MarkWest 285B** (Mr. Wolf's Slide Show).

12. Thereafter, Mr. Wolf was subject to cross-examination by Mr. LaSota.


13. At 4:30 p.m. the proceedings adjourned for the day. The Court and counsel agreed to start testimony at 8:30 a.m. tomorrow.

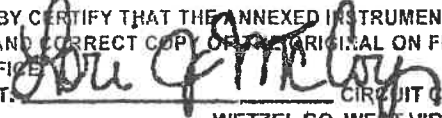
It is **ORDERED**:

- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 30 day of September, 2020.



  
H. CHARLES CARL, III, JUDGE  
BUSINESS COURT DIVISION

HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN  
MY OFFICE  
ATTEST:  CIRCUIT CLERK  
WETZEL CO. WEST VIRGINIA  
BY: \_\_\_\_\_ DEPUTY CLERK